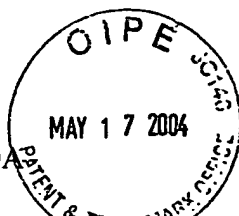


AUTOB.060A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ellis, et al. )  
 Appl. No. : 09/251,218 )  
 Filed : February 16, 1999 )  
 For : **PRODUCT** )  
       **CONFIGURATION** )  
       **DISPLAY SYSTEM AND** )  
       **METHOD WITH USER** )  
       **REQUESTED PHYSICAL** )  
       **PRODUCT ALTERATIONS** )  
 Examiner : Pierre E. Elisca )  
 Art Unit : 3621 )

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 14, 2004

(Date)

David K. Wiggins, Reg. No. 54,538

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**GROUP 3600**

PETITION UNDER 37 C.F.R. §1.181(a) TO WITHDRAW ERRONEOUS HOLDING OF  
ABANDONMENT

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Pursuant to M.P.E.P. §711.03(c), this petition to withdraw erroneous holding of abandonment is being submitted to the Commissioner under 37 C.F.R. §1.181(a). This petition is timely filed according to 37 C.F.R. §1.181(f).

In a Notice of Abandonment mailed April 16, 2004, the Patent and Trademark Office notified Applicant that the above-identified application had become abandoned for failure to timely file a proper reply to the Office Action mailed on May 30, 2003. The Notice of Abandonment states that no reply has been received. However, a Notice of Appeal was timely filed on August 27, 2003 in accordance with 37 C.F.R. § 1.191. Copies of the documents that were filed are enclosed. These documents include the Notice of Appeal, the check in the amount of \$320.00 and the return postcard. The Notice of Appeal was filed before the six month statutory deadline of November 30, 2003 to reply to the Office Action, and the return postcard has been stamped by the PTO mailroom as being received. The Notice of Appeal was signed by

**Appl. No.** : **09/251,218**  
**Filed** : **February 16, 1999**

the undersigned and delivered for mailing by our docketing department on August 27, 2003, as indicated by the certificate of mailing dated August 27, 2003.

In addition, an Appeal Brief was filed in accordance with 37 C.F.R. § 1.192 on November 26, 2003, together with a request for a one-month extension of time and the applicable time extension fee. Copies of the documents that were filed are enclosed. These documents include the Appellant's Brief, the Transmittal Sheet, the check in the amount of \$440.00 and the return postcard. The Appeal Brief was filed before the statutory deadline set forth in 37 C.F.R. § 1.192, as indicated by the fact that the return postcard has been stamped by the PTO mailroom as being received. The Appeal Brief was signed by the undersigned and delivered for mailing by our docketing department on November 26, 2003, as indicated by the certificate of mailing dated November 26, 2003. The application, therefore, was not abandoned by Applicant.

Applicant respectfully requests withdrawal of the Notice of Abandonment and entry of the Notice of Appeal for Application No. 09/251,218 filed on August 27, 2003 and the Appeal Brief filed on November 26, 2003. Should there be any remaining issue regarding the above comments or any other aspect of the present application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

May 11, 2004

By:

David K. Wiggins

David K. Wiggins  
Registration No. 54,538  
Attorney of Record  
2040 Main St, 14<sup>th</sup> Floor  
Irvine, CA 92614  
(619) 235-8550



**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

In re application of : Ellis, et al.  
App. No. : 09/251,218  
For : PRODUCT CONFIGURATION  
DISPLAY SYSTEM AND  
METHOD WITH USER  
REQUESTED PHYSICAL  
PRODUCT ALTERATIONS  
Filed : February 16, 1999  
Examiner : Pierre E. Elisca  
Group Art Unit : 3621

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8/27/03

(Date)

Thomas R. Arno, Reg. No. 40,490

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Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
MAY 21 2004  
**GROUP 3600**

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 30, 2003 of the Primary Examiner twice rejecting Claims 1-16, 38-57, 67 and 68. The items marked below are appropriate:

**Filing Fee:**

- (X) \$320 (large entity)
- (X) Enclosed is a check in the amount of \$320.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Signature: \_\_\_\_\_

Thomas R. Arno  
Registration No. 40,490  
Customer No. 20,995  
(619) 235-8550

